

SENTENCING SIMULATION PROJECT (SSMP)
CORRECTIONS POPULATION MANAGEMENT COMMISSION

BILL ANALYSIS

SENATE BILL 820: RELATING TO MANDATORY MINIMUM SENTENCES FOR PERSONS CONVICTED OF THEFT OF A MOTOR VEHICLE

Bill Proposal: *“Theft in the first degree is a class B felony; provided that if a person is convicted of theft in the first degree of a motor vehicle as defined in chapter 291C, the minimum sentence imposed shall be imprisonment for one year.”*

Existing Law: *“Unauthorized control of a propelled vehicle is a class C felony.”*

Target Population: Individuals convicted under Hawaii Revised Statute 708-0836 (Unauthorized Control of a Propelled Vehicle) that are not sentenced to prison.

Net Yearly Correctional Population Impacts:

Table 1. Population Impacts	2003	2004	2005	2006	2007	2008	2009
Total felony prison population	+111	+221	+332	+345	+369	+397	+432
Parole Population under Supervision	0	0	0	+115	+233	+336	+346
Probation Population under Supervision	-115	-233	-354	-480	-611	-745	-781

Overall Correctional System Outcomes:

- 1) Increases the sentences to prison, resulting in increases in: overall prison population, direct sentenced felon prison admissions, prison releases to parole, parole population under supervision, and parole revocations returned to prison.
- 2) Decreases the sentences to probation, resulting in decreases in: probation population under supervision and probation revocations re-sentenced to prison.

The Sentencing Simulation Project produces an Annual Report that details projected baseline data. This simulation is compared to those projected data.

This report is viewable and downloadable on the internet at:

<http://www.hawaii.gov/psd/cpmc/>

Arrest Trends & Impact on Sentencing

The number of felons convicted on this statute and placed on probation has been consistent over the past three years, ranging between 103 and 112 placements (see Table 2). Arrests for motor vehicle theft are projected to increase by 13.5% during the next 5 years, which is based on projected population trends and historical arrest figures. Current sentencing and conviction rates (FY 2002) are held as the baseline for the projections, at 12.6%. Using this as a benchmark, it is projected that sentences to probation for motor vehicle theft will increase slightly, to 115 in 2003 and to 130 by 2007.

Table 2. Arrest & Sentencing	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
UCPV sentenced to probation	143	103	100	112	115	118	122	126	130	134	138
Arrests for UCPV	672	903	1,012	886	908	932	964	996	1,031	1,062	1,090
% of arrest to probation	21.3%	11.4%	9.9%	12.6%	12.6%	—	—	—	—	—	→

More active law enforcement practices will likely increase the number of arrests and/or sentencing and conviction trends, which will in turn increase the number of those projected to be placed on felony probation (and will result in overall increases in prison population, prison admissions, parole population, etc.). Future law enforcement and prosecutorial practices are not captured in this simulation; projections are based on known past patterns and trends.

Comparison & Impact of Legislation: Corrections Populations Projections for S.B. 820 Compared to Current Corrections Populations Projections^{1 & 2}

Sentencing & Conviction

Under this proposed change, sentences to prison will increase while sentences to felony probation will decrease. The number of direct court sentences to prison is projected to be 14% higher than what was initially projected without this law, on an annual basis. Meanwhile, sentences to felony probation will be 5.7% less than what was initially projected without this law in place. See below Table 3 for the projections.

TABLE 3. Sentencing & Conviction		2003	2004	2005	2006	2007	2008	2009
Sentence to Prison	SB 820 proposal -- projected	936	960	993	1,026	1,063	1,094	1,123
	original projection	821	842	871	900	932	960	985
Sentences to felony probation	SB 820 proposal -- projected	1,996	2,048	2,118	2,189	2,267	2,335	2,395
	original projection	2,111	2,166	2,240	2,315	2,398	2,469	2,533

¹ Projections are based on law effective as of beginning of FY 2003.

² Due to rounding, some totals may not equal the sum of all parts.

Population Analyses & Impacts

Under this proposed change, the prison and probation populations will be immediately impacted (see Table 4). Parole populations will be impacted in roughly 3 years after the law takes effect. The total prison population is projected to be 7.1% higher than projections without this law, by the third year of implementation (FY 2005). The probation supervision caseload will decrease by -2.8% in this timeframe when compared to the initial projections (i.e., without the law in place). Once the felons who are sentenced under this law serve prison time, they will be released to parole. Based on the current Hawaii Paroling Authority average length of minimum sentence, most of these prisoners would be released, on average 3 years out³. Beginning in 2006, when the first cohort of felons under this law begins to be released, the parole population under supervision will begin to experience increases, and by 2008, three years out, will have increased by 8.4%.

TABLE 4. Corrections Population Impacts		2003	2004	2005	2006	2007	2008	2009
Total felony prison population	SB 820 proposal -- projected	4,283	4,644	4,984	5,202	5,408	5,588	5,798
	original projection	4,172	4,423	4,652	4,857	5,039	5,190	5,366
	% difference	2.7%	5.0%	7.1%	7.1%	7.3%	7.7%	8.0%
Probation Population under Supervision	SB 820 proposal -- projected	12,632	12,522	12,453	12,538	12,825	13,124	13,573
	original projection	12,746	12,755	12,808	13,018	13,435	13,869	14,353
	% difference	-0.9%	-1.8%	-2.8%	-3.7%	-4.5%	-5.4%	-5.4%
Parole Population under Supervision	SB 820 proposal -- projected	2,871	3,038	3,255	3,603	3,971	4,341	4,639
	original projection	2,871	3,038	3,255	3,488	3,738	4,005	4,292
	% difference	0.0%	0.0%	0.0%	3.3%	6.2%	8.4%	8.1%

Prison Admissions & Releases Dynamics

As mentioned before, the prison and parole populations will increase as a result of this proposal taking effect, while the probation supervision caseload will decrease. The reasons for these increases and decreases are due to the displacement of sentences that would have been served on probation, in lieu of prison. Table 5 displays how these prison admissions break down and how there is the additive effect of parole in this equation.

The number of total admissions to prison is expected to be about 7% higher annually with this law than initial projections forecast. In the first few years, this is nearly all

³ Based on 101 persons sentenced by HPA in FY 2001 for UCPV. Average length of minimum sentence for those cases was 3.05 years.

accounted for in the number of felons sentenced directly from the court now going to prison. There will be a slight decrease in the number of probation revocations who are re-sentenced to prison since less probation placements will result because of the law. In raw numbers, this is estimated to be a difference of 11 admissions annually by year 2005. However, as these felons are paroled, given current parole failure rates, and then revoked, there will be increased admissions from within the corrections system.

TABLE 5. Prison Admissions & Source		2003	2004	2005	2006	2007	2008	2009
Total Prison Admissions	SB 820 proposal -- projected	1,589	1,641	1,710	1,817	1,913	2,003	2,090
	original projection	1,478	1,531	1,600	1,675	1,757	1,838	1,919
	% difference	7.5%	7.2%	6.9%	8.5%	8.9%	9.0%	8.9%
Newly Sentenced Felons	SB 820 proposal -- projected	936	960	993	1,026	1,063	1,094	1,123
	original projection	821	842	871	900	932	960	985
Probation Revocation, Re-Sentence to Prison	SB 820 proposal -- projected	176	176	179	184	190	196	202
	original projection	180	184	190	198	207	216	225
Parole Revocation, Return to Prison	SB 820 proposal -- projected	478	505	538	606	660	713	765
	original projection	478	505	538	576	618	662	709

The increased number of felons siphoned through prison entails that more will be released to parole. Table 6 outlines the increased number of parole releases if this law were to be enacted. Based on past parole averages for minimum sentence length, these felons would begin to be paroled in 2006. This shows roughly an 8% increase in the parole supervision population beginning in 2006.

TABLE 6. Prison Releases to Parole		2003	2004	2005	2006	2007	2008	2009
Releases to parole	SB 820 proposal -- projected	1,066	1,143	1,224	1,427	1,524	1,628	1,740
	original projection	1,066	1,143	1,224	1,312	1,406	1,506	1,614
	% difference	0.0%	0.0%	0.0%	8.8%	8.4%	8.1%	7.8%

The difference between parole and probation is that revocation rates for parolees are markedly higher than that for probationers. This then means that there will be increased admissions of revokees in general since parole revocations occur at a higher rate than probation revocations, because of parole's increased population increased population.⁴ In raw numbers, this is estimated to be a difference of 55 admissions annually by year 2008, the year in which the majority of this first cohort would be expected to be released to parole. Therefore, admission rates begin to show further elevated increases in 2006.

⁴ Figures are based on failure rates benchmarked through studies performed through the Department of the Attorney General, and outlined in the SSMP Annual report.